



**EMN Ad-Hoc Query on COM AHQ on Statistics of minors held in facilities used for asylum or immigration detention on the 15th November 2016 and on the 1st December 2016**

Requested by Salvatore SOFIA on 24th October 2016

**Miscellaneous**

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (25 in total)

Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

## **Background information:**

### 1. Background Information

We would appreciate if the EU Member States could complete the tables attached providing data relating to third-country nationals who are below 18 years of age and who were held in immigration or asylum detention on the 15th November and 1st December 2016 respectively. All minors, both unaccompanied and accompanied with family members, should be covered.

The data should only include individuals who are in facilities used for asylum or immigration detention. It should not include individuals temporarily held in border areas or police cells or other facilities (such as hotspots) used to place temporarily individuals following the initial arrest for identification and registration procedures.

To qualify as “detention” for the purpose of this information collection, the individual must be deprived of liberty – meaning that he/she cannot go out of the facility unattended. The statistics should cover all minors deprived of liberty, regardless of the term used to describe the regime under national law.

To ensure comparability between EU Member States the data provided should reflect the situation on the 15th of November and 1st December 2016 at 7.00 in the morning.

### 2. Methodology

The EU Member States should contact each detention facility individually asking them to complete the form below.





Please note in Q 3, when providing with an answer, specify if the minor is unaccompanied or accompanied by family members and indicate the exact status of the minor, e.g. applicant for international protection, person detained under the Dublin procedure, third-country nationals in pre-removal detention, non-admitted and detained at the borders (if relevant), the place/type of detention and the reasons justifying longer detention of the specific minor.









The information received from each facility should then be compiled country-wide using the same form. Please name the facilities covered in the MS. Under Q3, please include the three cases of minors in longest detention as reported from individual facilities.













## **Questions**


1. This Ad-Hoc Query consists of one table to compile per Member State. Please download the attached word document, insert the data in the respective table and upload your reply as 'supporting document'.

### Responses

	Country	Wider Dissemination	Response
	Austria	No	
	Belgium	Yes	<p><b>1.</b> The answer for Belgium on the number of third-country nationals below the age of 18 held in immigration or asylum detention is 0. We need to clarify that in Belgium children are not detained in closed detention centres: Unaccompanied minors are brought to specific facilities (Observation and Orientation Centres, OOC) and families with children under 18 are being held in so-called family units. Only in 3 specific cases a (few) nights can be spent in the closed detention facility called "Caricole": - In the case of a late arrival at the border: the families with children under 18 will go to the Caricole to spend the night because transfer in the night to a family unit is not feasible. - In the case of an early departure from the family unit: it is considered best for the family to spend the night prior to a departure in Caricole than to have to leave the family unit in the middle of the night to go to the airport. - In case of the UAM at the border where there are doubts the UAM will await the results in the Caricole.</p>
	Bulgaria	Yes	<p><b>1.</b> According to the background information the attached tables providing data relating to third-country nationals who are below 18 years of age and who were held in immigration or asylum detention on the 15th November and 1st December 2016 respectively.</p>
	Croatia	Yes	<p><b>1.</b> Please see attached document.</p>

	Cyprus	Yes	<b>1.</b> The Cyprus Refugee Law does not allow detention of minor asylum seekers or unaccompanied minors and therefore no minors were held in facilities used for asylum detention. Furthermore, under national law, no minors can be held in any kind of detention. Should a return order be issued for the whole family, only one adult member is detained (usually the father), and the rest of the family remains free, until the execution of the return order.
	Czech Republic	Yes	<b>1.</b> The reply of the Czech Republic is attached.
	Estonia	Yes	<b>1.</b> There were no minors held in Estonian detention centers during those particular dates.
	Finland	Yes	<b>1.</b> Finland's answers submitted. <b>2.</b> See attached supporting document.
	France	Yes	<b>1.</b> see attached
	Germany	Yes	<b>1.</b> A request to the ministries of the interior of the federal states showed that no children or minors are currently being detained in Germany. Not in all Länder are facilities for the execution of deportation detention available. In the federal states with such institutions, only one parent is taken into custody in family associations, as is generally the father. When the removal is executed, the family is then reunited. Single parents are not detained, as are unaccompanied minors.
	Hungary	Yes	<b>1.</b> Please see the attached word document. Please take note that in Hungary we have 3 asylum detention centers so there are 3 different tables in the document.
	Ireland	Yes	<b>1.</b> Ireland does not place minors in immigration or asylum detention.

	Latvia	Yes	1. See the attached table
	Lithuania	Yes	1. See the information in the attached file.
	Luxembourg	Yes	1. See document attached.
	Malta	Yes	1. Please refer to attached.
	Netherlands	Yes	1. See attachment
	Poland	Yes	1. see attachment
	Portugal	Yes	1. Supporting document.
	Slovak Republic	Yes	1. Please, see data for the Slovak Republic in the table attached in the separate document.
	Slovenia	Yes	1. See supporting document.
	Spain	Yes	1. In Spain minors are not being held in detention facilities, not even together with their parents, which is the only possibility foreseen in the Spanish legislation.
	Sweden	Yes	1. Please see the attached supporting document.
	United Kingdom	Yes	1. Please see attached.

	Norway	Yes	<p>1. Norway is not included among the States listed in the document attached to this AHQ. Thus NO is not going to submit a reply. The number of minors in the only detention center in Norway is anyway not easily available, but is likely to be very small: on both dates.</p>
---	--------	-----	---